

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8480 of 2020

- Ashok Yadav S/o Janaklal Aged About 23 Years R/o Bhedaghat Alakhdiha , Police Station Rajpur District Balrampur Ramanujanj Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Pasta , District Balrampur Ramanujanj Chhattisgarh. **---- Respondent**

For Applicant : Shri Jitendra Shrivastava, Advocate
For Respondent/State : Ms. Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09/12/2020

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 03.10.2020 in connection with Crime No.29/2019 registered at Police Station Pasta, District- Balrampur- Ramanujanj (C.G.) for the offence punishable under Section 186, 193, 34, 506, 353, 379, 511 of I.P.C.
- 5) Case of the prosecution in brief is that on 21.04.2019, at about 8.30 a.m. the Head Constable namely Yogendra Jaiswal (128) conducted the proceedings of confiscation of the pickup vehicle and the wood loaded in the said vehicle. At that time, the present applicant alongwith two other co-accused came to Police Station and exerted pressure on him with respect to the confiscation proceedings, on which, the said Yogendra jaiswal informed them that he has already completed the proceedings. Thereafter, some hot talk took place between the accused persons and Yogendra Jaiswal went to his room. Thereafter, the accused persons shifted the wood in another vehicle bearing

registration No. JH-03-S-4124 which was earlier seized by the police and was not in running condition. The accused persons made videography of the same and also took the offending vehicle No. UP-64-T-8610 to badminton ground of Police Station premises.

- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has not committed any offence. He further submits that the co-accused namely Ajit Vats has already been released on bail by this Court vide order dated 18.11.2020 in MCRC No. 7616 of 2020 and the applicant has no criminal antecedent and as the applicant has been arrested on 03.10.2020 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail application, however, the applicant has no criminal antecedent.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and the fact that the applicant is in jail since 03.10.2020 and that conclusion of the trial may take some time, without expressing any opinion on merits of the case, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs. 25,000/- with one surity for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
- 9) It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

**(Gautam Chourdiya)
Judge**